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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,170	02/18/2004	James W. Cornett	2003P02869US01	1812
Elsa Keller SIEMENS CORPORATION Intellectual Property Dept. 170 Wood Avenue South Iselin, NJ 08830				
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EXAMINER				
BENOIT, ESTHER				
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2442				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/781,170

**Applicant(s)**

CORNETT ET AL.

**Examiner**

ESTHER BENOIT

**Art Unit**

2442

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 and 5-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-85/86)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 1-29 are pending in this application.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1-29 are rejected under 35 U.S.C. 102(a) as being anticipated by Tech Note 275 (*Configuring TCP/IP Industrial Ethernet with SIMATIC NET Version 6.0 and Generic NIC Card (e.g. 3Com Card)*, October 2002).

**With respect to claim 1**, Tech Note 275 discloses automatically enforcing, via a wizard, user compliance with a plurality of predetermined steps for a computer-assisted configuration of the network interface device, the computer-assisted configuration relating to an OSI transport layer or above; and providing at least one setting to the network interface device (pg. 2, "Requirements" and pg. 5, "Commissioning Wizard", *where the wizard program is used to configure the PC to connect with a PLC via a TCP/IP connection, "NetPro for PLC download", pg. 1)*

**With respect to claim 2**, Tech Note 275 discloses requesting, from a user, the at least one setting for the network interface device (pg. 6)

**With respect to claim 3**, Tech Note 275 discloses receiving the at least one setting for the network interface device (pg. 6)

**With respect to claim 5**, Tech Note 275 discloses receiving a count of network connections for the network interface device (pg. 6)

**With respect to claim 6**, Tech Note 275 discloses receiving a type for at least one network connection to the network interface device (pg. 6)

**With respect to claim 7**, Tech Note 275 discloses determining the at least one setting for the network interface device (pg. 6)

**With respect to claim 8**, Tech Note 275 discloses configuring the network interface device with the at least one setting (pg. 6)

**With respect to claim 9**, Tech Note 275 discloses receiving a setting of a logical position of the network interface device relative to the programmable logic controller (pg. 6)

**With respect to claim 10**, Tech Note 275 discloses receiving a Q-address used by an input/output module attached to the programmable logic controller, the input/output module further couplable to the network interface device (pg. 7)

**With respect to claim 11**, Tech Note 275 discloses verifying the at least one setting for the network interface device (pg. 6)

**With respect to claim 12**, Tech Note 275 discloses wherein the network interface device is adaptable to communicatively couple the programmable logic controller to an Ethernet network (pg. 6)

**With respect to claim 13**, Tech Note 275 discloses wherein the network interface device is adaptable to communicatively couple the programmable logic controller to the Internet (pg. 6)

**With respect to claim 14**, Tech Note 275 discloses wherein said plurality of predetermined steps are adaptable to receive at least one e-mail client configuration setting (pg. 7)

**With respect to claim 15**, Tech Note 275 discloses wherein said plurality of predetermined steps are adaptable to receive at least one FTP client configuration setting (pg. 7)

**With respect to claim 16**, Tech Note 275 discloses wherein said plurality of predetermined steps are adaptable to receive at least one FTP server configuration setting (pg. 7)

**With respect to claim 17**, Tech Note 275 discloses wherein said plurality of predetermined steps are adaptable to receive at least one HTTP server configuration setting (pg. 7)

**With respect to claim 18**, Tech Note 275 discloses wherein said plurality of predetermined steps are adaptable to receive at least one FTP server login services setting (pg. 7)

**With respect to claim 19**, Tech Note 275 discloses wherein said plurality of predetermined steps are adaptable to receive at least one secure HTTP server login services setting (pg. 7)

**With respect to claim 20**, Tech Note 275 discloses wherein said plurality of predetermined steps are adaptable to validate an FTP server address (pg. 7)

**With respect to claim 21**, Tech Note 275 discloses wherein said plurality of predetermined steps are adaptable to receive at least one SMTP client configuration setting (pg. 7)

**With respect to claim 22**, Tech Note 275 discloses wherein said plurality of predetermined steps are adaptable to configure an e-mail message to at least one user (pg. 7)

**With respect to claim 23**, Tech Note 275 discloses wherein said plurality of predetermined steps are adaptable to validate an e-mail server address (pg. 7)

**With respect to claim 24**, Tech Note 275 discloses wherein said network interface device is adaptable to communicate at least one programmable logic controller administration setting to the programmable logic controller (pg. 10)

**With respect to claim 25**, Tech Note 275 discloses wherein said network interface device is adaptable to communicate process data from the programmable logic controller to a network (pg. 10)

**With respect to claim 26**, Tech Note 275 discloses wherein said plurality of predetermined steps comprises a help utility (pg. 6)

**With respect to claim 27**, Tech Note 275 discloses a wizard adaptable to configure a network interface device coupleable to a programmable logic controller, said wizard comprising: an input processor adapted to sequentially prompt a user for at least one setting for configuring the network interface device at an OSI transport layer or above; and an output processor adapted to provide the at least one setting from the wizard to the network interface device (pg. 2, "Requirements" and pg. 5, "Commissioning Wizard", *where the wizard program is used to configure the PC to connect with a PLC via a TCP/IP connection, "NetPro for PLC download", pg. 1*)

**With respect to claim 28**, Tech Note 275 discloses a network interface device adaptable to communicatively couple a programmable logic controller to a network; and a wizard comprising a plurality of predetermined steps adapted to configure said network interface device at an OSI transport layer or above (pg. 2, "Requirements" and pg. 5, "Commissioning Wizard", *where the wizard program is used to configure the PC to connect with a PLC via a TCP/IP connection, "NetPro for PLC download", pg. 1*)

**With respect to claim 29**, Tech Note 275 discloses providing a plurality of predetermined steps adapted to sequentially prompt a user for at least one setting for

configuring the network interface device at an OSI transport layer or above; and providing a plurality of predetermined steps adapted to provide the at least one setting from the wizard to the network interface device (pg. 2, "Requirements" and pg. 5, "Commissioning Wizard", *where the wizard program is used to configure the PC to connect with a PLC via a TCP/IP connection, "NetPro for PLC download", pg. 1)*

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Esther Benoit whose telephone number is 571-270-3807. The examiner can normally be reached on Monday through Friday between 7:30 a.m and 5 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

E.B.  
April 28, 2009

/Andrew Caldwell/  
Supervisory Patent Examiner, Art Unit 2442